

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

LUCKEN, *et al.*,

Defendants.

No. 1:21-cv-00702-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF CERTAIN CLAIMS AND
DEFENDANTS

(Doc. 17)

Plaintiff King Mwasi is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 6, 2022, the assigned magistrate judge screened plaintiff's first amended complaint and found that it stated a cognizable claim for excessive force in violation of the Eighth Amendment against defendants Lucken, Sepeda, and Blanco for tight handcuffing, slamming plaintiff into the wall, twisting his hands and raising them up while in cuffs, during the incident on October 26, 2018. (Doc. 17, p. 12.) The magistrate judge further recommended that plaintiff's requested remedy of declaratory relief be dismissed from this case and that all other claims and defendants be dismissed from this action, with prejudice, based on plaintiff's failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 12–13.) Following two extensions of time, plaintiff's objections were

1 due on or before May 31, 2022. (Docs. 20, 22.) No objections have been filed, and the deadline
2 to do so has expired.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
5 and recommendations to be supported by the record and by proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on January 6, 2022, (Doc. 17), are adopted
8 in full;
- 9 2. This action shall proceed on plaintiff's first amended complaint, filed January 6, 2022,
10 (Doc. 16), against defendants Lucken, Sepeda, and Blanco for excessive force in
11 violation of the Eighth Amendment;
- 12 3. Plaintiff's requested remedy of declaratory relief is dismissed from this case;
- 13 4. All other claims and defendants are dismissed from this action for failure to state
14 claims upon which relief may be granted; and
- 15 5. This action is referred back to the magistrate judge for proceedings consistent with this
16 order.

17
18 IT IS SO ORDERED.

19 Dated: **June 15, 2022**


UNITED STATES DISTRICT JUDGE